

Kingdom has been issued Permit No. 1069-1749.

**ADDRESSES:** The permit, permit amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On June 18, 2004, notice was published in the **Federal Register** (69 FR 34138) that the above-named individuals had applied for an amendment of Permit No. 1034-1685, issued on March 17, 2003 (68 FR 20117), and a new permit (File No. 1065-1749), respectively. The requested permit amendment and new permit have been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The permit amendment, Permit No. 1034-1685-01, authorizes the study of the adrenal response of California sea lions (*Zalophus californianus*). A total of up to six sea lions undergoing rehabilitation at The Marine Mammal Center (TMMC), Sausalito, CA, may be injected intramuscularly with adrenocorticotrophic hormone and have pre-injection and post-injection blood samples taken while under anesthesia for analysis of glucocorticoids. Feces may also be collected for analysis.

Permit No. 1065-1749 authorizes development and monitoring trials of a surgically implantable heart rate logger in California sea lions, northern elephant seals (*Mirounga angustirostris*), and northern fur seals (*Callorhinus ursinus*) undergoing rehabilitation at TMMC. The permit authorizes surgical implantation and removal of the device in up to six animals of each species per year. The permit also authorizes mortality incidental to the study of up to two animals total, of any species, over the five-year course of the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

Dated: November 22, 2004.

**Stephen L. Leathery,**  
Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Designations Under the Textile and Apparel Commercial Availability Provisions of the United States- Caribbean Basin Trade Partnership Act (CBTPA)

November 23, 2004.

**AGENCY:** The Committee for the  
Implementation of Textile Agreements  
(The Committee).

**ACTION:** Designation.

**SUMMARY:** The Committee for the  
Implementation of Textile Agreements  
(CITA) has determined that certain  
woven, 100 percent cotton, flannel  
fabrics, of the specifications detailed  
below, classified in the indicated  
subheadings of the Harmonized Tariff  
Schedule of the United States (HTSUS),  
for use in products covered by textile  
categories 340, 341, 347, 348, 350, 351,  
and 352, cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner. CITA  
hereby designates such apparel articles,  
that are both cut and sewn or otherwise  
assembled in an eligible CBTPA  
beneficiary country, from these fabrics  
as eligible for quota-free and duty-free  
treatment under the textile and apparel  
commercial availability provisions of  
the CBTPA and eligible under HTSUS  
subheadings 9820.11.27, to enter free of  
quota and duties, provided that all other  
fabrics are wholly formed in the United  
States from yarns wholly formed in the  
United States.

**EFFECTIVE DATE:** November 30, 2004.

**FOR FURTHER INFORMATION CONTACT:**  
Janet Heinzen, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 211 of the CBTPA,  
amending Section 213(b)(2)(A)(v)(II) of the  
Caribbean Basin Economic Recovery Act  
(CBERA); Presidential Proclamation 7351 of  
October 2, 2000; Executive Order No. 13191  
of January 17, 2001.

#### Background

The commercial availability provision  
of the CBTPA provides for duty-free and

quota-free treatment for apparel articles  
that are both cut (or knit-to-shape) and  
sewn or otherwise assembled in one or  
more beneficiary CBTPA country from  
fabric or yarn that is not formed in the  
United States if it has been determined  
that such yarns or fabrics cannot be  
supplied by the domestic industry in  
commercial quantities in a timely  
manner and certain procedural  
requirements have been met. In  
Presidential Proclamation 7351, the  
President proclaimed that this treatment  
would apply to apparel articles from  
fabrics or yarn designated by the  
appropriate U.S. government authority  
in the **Federal Register**. In Executive  
Order 13191, the President authorized  
CITA to determine whether yarns or  
fabrics cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner.

On July 14, 2004, the Chairman of  
CITA received twelve petitions from  
Sandler, Travis, and Rosenberg, P.A., on  
behalf of Picacho, S.A., alleging that  
certain woven, 100 percent cotton,  
flannel fabrics, of detailed  
specifications, classified in indicated  
HTSUS subheadings, for use in shirts,  
trousers, nightwear, robes, dressing  
gowns, and woven underwear, cannot  
be supplied by the domestic industry in  
commercial quantities in a timely  
manner and requesting quota- and duty-  
free treatment under the CBTPA for  
such apparel articles that are both cut  
and sewn in one or more CBTPA  
beneficiary countries from such fabrics.  
On July 22, 2004, CITA requested public  
comment on the petition. See Request  
for Public Comment on Commercial  
Availability Petition under the United  
States-Caribbean Basin Trade  
Partnership Act (CBTPA) (69 FR 43805).  
Subsequently, three of the petitions  
were withdrawn because the petitioner  
informed CITA that they contained  
minor but significant errors with regard  
to the detailed specifications. See  
Withdrawal of Three Commercial  
Availability Petitions under the United  
States-Caribbean Basin Trade  
Partnership Act (CBTPA) (69 FR 46137).  
On August 9, 2004, CITA and the U.S.  
Trade Representative (USTR) sought the  
advice of the Industry Trade Advisory  
Committee for Textiles and Clothing  
and the Industry Trade Advisory  
Committee for Distribution Services. On  
August 9, 2004, CITA and USTR offered  
to hold consultations with the  
Committee on Ways and Means of the  
House of Representatives and the  
Committee on Finance of the Senate  
(collectively, the Congressional  
Committees). On August 25, 2004, the

U.S. International Trade Commission provided advice on the petitions.

Based on the information and advice received and its understanding of the industry, CITA determined that the fabrics set forth in the petitions cannot be supplied by the domestic industry in commercial quantities in a timely manner. On September 10, 2004, CITA and USTR submitted a report to the Congressional Committees that set forth the action proposed, the reasons for such action, and advice obtained. A period of 60 calendar days since this report was submitted has expired. During this 60 calendar day period, the petitioner notified CITA that it was withdrawing one of the remaining nine petitions as this fabric is no longer available from its source.

CITA hereby designates as eligible for preferential treatment under HTSUS subheading 9820.11.27, products covered by textile categories 340, 341, 347, 348, 350, 351, and 352, that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries, from certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated HSTUS subheadings, not formed in the United States, provided that all other fabrics are wholly formed in the United States from yarns wholly formed in the United States, subject to the special rules for findings and trimmings, certain interlinings and de minimis fibers and yarns under section 112(d) of the CBTPA, and that such articles are imported directly into the customs territory of the United States from an eligible CBTPA beneficiary country.

### Specifications

**1 Fabric:** Style 4807  
HTS Subheading: 5208.32.30.40  
Fiber Content: 100% Cotton  
Weight: 152.6 g/m2  
Width: 150 centimeters cuttable  
Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**2 Fabric:** Style 0443  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**3 Fabric:** Style 62BV1500240  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 203 g/m2  
Width: 150 centimeters cuttable  
Thread Count: 20.5 warp ends per centimeter; 17.3 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.5 metric, open end spun; overall average yarn number: 27.9 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**4 Fabric:** Style 4697  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 291.5 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 23.2 warp ends per centimeter; 15 filling picks per centimeter; total: 38.2 threads per square centimeter

Yarn Number: Warp: 27.07 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**5 Fabric:** Style 62BU1600240  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 291.5 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 26.8 warp ends per centimeter; 16.5 filling picks per centimeter; total: 43.3 threads per square centimeter

Yarn Number: Warp: 25.46 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.8 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**6 Fabric:** Style 4237  
HTS Subheading: 5209.31.60.50  
Fiber Content: 100% Cotton  
Weight: 254 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 20 warp ends per centimeter; 14.5 filling picks per centimeter; total: 34.5 threads per square centimeter

Yarn Number: Warp: 28.8 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

**7 Fabric:** Style 0443A  
HTS Subheading: 5209.41.60.40  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: gingham check or plaid of yarns of different colors; napped on both sides, sanforized

**8 Fabric:** Style 4245  
HTS Subheading: 5209.41.60.40  
Fiber Content: 100% Cotton  
Weight: 251 g/m2  
Width: 160 centimeters cuttable  
Thread Count: 19.7 warp ends per centimeter; 11.8 filling picks per centimeter; total: 31.5 threads per square centimeter

Yarn Number: Warp: 20.3 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: Plaid of yarns of different colors; napped on both sides, sanforized

An "eligible CBTPA beneficiary country" means a country which the President has designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the CBERA (19 U.S.C. 2703(b)(5)(B)) and which has been the subject of a finding, published in the **Federal Register**, that the country has satisfied the requirements of section 213(b)(4)(A)(ii) of the CBERA (19 U.S.C. 2703(b)(4)(A)(ii)) and resulting in the enumeration of such country in U.S. note 1 to subchapter XX of Chapter 98 of the HTSUS.

### D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Denial of Commercial Availability Request Under the United States-Caribbean Basin Trade Partnership Act (CBTPA)

November 24, 2004.

**AGENCY:** The Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Denial of the request alleging that certain circular knit jersey fabric for use in apparel articles cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

**SUMMARY:** On September 20, 2004, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Jaclyn, Inc. of New York (Jaclyn), alleging that certain circular single knit jersey fabric of the specifications detailed below, classified in subheading 6006.34.00.80 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be